

TEN
PAGES.

THE BLOOMFIELD CITIZEN.

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BLOOMFIELD, N. J., SATURDAY, JUNE 4, 1892.

PRICE FIVE CENTS.

THE SEWER CONTRACT.

TOWN COUNSEL BARRETT'S OPINION
SUBMITTED TO THE COMMITTEE.

Bloomfield's Legal Rights and Obligations Secured and Incurred.

To the Township Committee, Township of Bloomfield:

GENTLEMEN: In response to your resolution passed May 16, 1892, requesting an opinion from me as to the legal rights and obligations secured or incurred under the sewer contract with the city of Orange, dated November 7, 1891, I respectfully submit:

(1.) The right to make a contract with the city of Orange for the joint construction of a main trunk sewer is given by the act of the Legislature approved April 7, 1890, Laws of 1890, page 193.

The contract made by the township with the city of Orange I regard as a valid one, by which the township agrees to pay its pro-rata share of the cost and other expense involved in the construction and maintenance of such sewer, and secures to the township the right to use said trunk sewer as an outlet for our local sewerage to the extent designated by the Township Committee.

The incidental rights of supervision, etc., secured by the contract with Orange seem to me to be set forth in the contract so clearly as not to require specific attention at this time.

The law of April 7, 1890, in my opinion, gives to the city of Orange all the needed authority to appropriate lands by purchase or condemnation for the construction of the trunk sewer, and the further right to use the streets of this township for the purposes of such sewer, such streets or highways to be, as far as possible, restored to their original condition at the cost of the city of Orange, or those for whose benefit the work is done.

All these proceeding must be conducted by the city of Orange, which has exclusive control of the construction of the trunk sewer.

(2.) The contract made by Montclair with the city of Orange was made under the law of April 7, 1890, above referred to. I understand that its general provisions are the same as those contained in our contract.

By the eleventh clause of our contract with Orange, we agree "that the city of Orange shall have the right to contract with the township of Montclair in reference to the discharge of its sewage through the main outlet sewer, but with no other municipality without the consent of the said township of Bloomfield."

This clause necessarily estops Bloomfield from interposing any technical or unreasonable objection to the construction of an outlet sewer by the township of Montclair through the streets of our township. On the other hand, the legal right of Montclair to construct its own outlet sewer through the boundaries of Bloomfield to the point of intersection with the trunk sewer, is not derived from the provisions of the act of April 7, 1890, nor is it secured by reason of their contract with Orange, but in my judgment, such right rests upon the provisions of another act, approved March 26, 1890, Laws of 1890, page 120, entitled "An act to provide for sewerage and drainage in townships."

This act authorizes a township to construct a sewer to tide water, and for this purpose to take lands and real estate and to use the streets of any other municipal corporation, but it expressly provides that no sewer or sewers shall be built or constructed under this act into or through any adjoining or other township without the consent of the Township Committee of any such township. This prohibition relates not only to the use of streets, but also of private lands in this township.

After giving due weight to the eleventh clause of our contract with Orange, I am of the opinion that our Township Committee have the right to impose reasonable restrictions upon the township of Montclair in the construction of their outlet sewer through the boundaries of Bloomfield township.

I am not aware that any consent has been given by our Township Committee for the construction of the Montclair outlet sewer other than the limited one contained in our own contract with the city of Orange.

(3.) The right of Bloomfield township to provide for, obtain and cause to be constructed a system of sewerage or of drainage or of both, is conferred by the act of March 26, 1890, last above referred to, and also by an act approved April 14, 1890, Laws of 1890, page 253. These laws are very similar in their provisions, but the latter act applies only to townships in which there is a public water supply, while the former act relates to any township in this State, and has a wider scope, not only in its application, but also in its provisions, than the act of April 14. I do not think that the act of April 14 repealed the act of March 26,

although it became a law nineteen days later.

Under the act of March 26, which authorizes any township in this State to conduct a system of sewerage or of drainage or of both, and which further gives authority by which, with the consent of the Township Committee of Bloomfield, the township of Montclair may construct its own outlet sewer through the boundaries of Bloomfield to the point of junction with the Orange trunk sewer. I am of the opinion that the townships of Bloomfield and Montclair may unite in the construction of what I have referred to as the Montclair outlet sewer.

If this outlet sewer shall be constructed through a portion of our township which will admit of its use as a connection for the latter sewerage system of any considerable area of our township, it would be a wise and economical measure to unite in its construction, each township paying that proportion of its original cost which its reserved flowage shall bear to the capacity of such sewer, and the cost of maintenance of such outlet sewer to be apportioned according to the actual flow of sewage when such sewer shall come to be used by both townships.

I think such sewer if jointly constructed should be the exclusive property of the township of Bloomfield.

(4.) The township of Bloomfield has, under either the law of March 26, 1890, or the law of April 14, 1890, ample authority to use private lands or public streets for the construction of its local sewerage system. Private lands may be acquired either by purchase or by condemnation.

(5.) The Township Committee is authorized to issue bonds to meet the cost of the sewer system, provided that bonds shall not be issued to an amount which shall cause the entire corporate indebtedness of the township to exceed at any time ten per cent. of the assessed valuation of property in the township as shown on the duplicate of assessment. Money may also be appropriated annually to meet expense of sewer system or to redeem bonds issued as above stated.

(6.) The cost and expense of our local sewer system may be assessed upon real estate actually benefited by such improvements to the extent of such benefits, the excess of the cost of the improvements over the amount assessed upon property benefited must be borne by the township at large.

(7.) The assessments upon private property may be paid in not more than five equal annual installments, and such assessments are a lien upon property assessed, and may be collected in the same manner that annual taxes are collected.

The share of the township at large may be met by the issue of bonds, as before stated, and it will be the duty of the Township Committee to cause the sum needed to pay interest on these bonds, together with such portion of the principal of such bonds as shall from time to time fall due, to be included in the annual tax levy of the entire township.

I believe the foregoing opinion covers all the questions recited in the resolution.

HALSEY M. BARRETT,
Township Counsel.

May 26, 1892.

A May Ride to Paterson.

Paterson is a place of ill omen to the members of Watsessing Division, Sons of Temperance. It is not long since that the newspapers contained an account of the misfortune that befell some of the members of the division who visited that city. On Monday the intrepid members again defied the fates by another visit. This time they went in larger numbers and were accompanied by the young ladies, which was a guarantee that the young male members would not fall victims to the peculiar temptations which beset them on a previous visit. But the fates were not to be defied, and wreaked a vengeance that was almost tragic in its consequences. The cause of the gloom was the narrow escape of three of the party from drowning.

George Gebhardt, Mamie Cropper and Annie Bays were about to enjoy a row on the Passaic River. While Miss Cropper was getting in the boat some one pushed from the shore and she lost her balance and fell overboard, pulling Mr. Gebhardt with her. They were rescued from the stream with much difficulty. In the confusion that ensued it was not noticed that the boat in which Miss Bays was seated had drifted off into the stream. Her cries for help attracted attention, and some of the young men put out with all speed to her rescue.

Messrs. Joseph Brooks and James Andrews, who conducted the May ride, state that outside of that one misfortune it was a very pleasant affair and a financial success.

Happy and content is a home with "The Rochester," a lamp with the light of the morning. Call on Rochester Lamp Co., 49 Park Place, N. Y.

POLITICS IN BLOOMFIELD.

WHAT THE TWO GREAT PARTIES WILL DO TOWARDS ORGANIZATION.

The Young Men's Republican Club—The Democrats Will be Better Organized Than Ever Before.

Until after the conventions are held at Minneapolis and Chicago the leaders and organizers of the two parties in this town will do nothing towards effective organization. But as soon as the names of the standard-bearers are announced they will start in on an active canvass and the organization for the fall campaign will begin.

The Young Men's Republican Club has taken upon itself the task of looking after the interests of the Republican party, and in its efforts will be ably assisted in the upper part of the township by the Second Ward Republican Club.

The Young Men's Republican Club is officered as follows: President, Fred. M. Davis; Vice-President, Samuel G. Hayter; Secretary, Wm. R. Moir; Treasurer, William Biggart. This club has become the mainstay in Bloomfield of the party it represents, and has demonstrated the fact that it can control the primaries and conventions when it sees fit. Thomas McGowan, who is recognized as the leader of the Republican party in this town, is an active member of the club, and is greatly interested in its success.

A number of the members of the Young Men's Club were seen by a representative of THE CITIZEN, who endeavored to ascertain their choice for the nomination for President. Some favored President Harrison and a large number were warm admirers of Secretary Blaine, but the general sentiment seemed to be that the club would heartily support any candidate the Minneapolis convention may see fit to place in nomination.

The Second Ward Republican Club, which has been steadily strengthening since its organization last year, will soon make its presence felt in Republican circles in this town. It now includes in its membership nearly every Republican residing north and east of the Greenwood Lake Railroad. During the past winter their regular meetings have been frequently attended by some of the perhaps more experienced politicians residing down town, and their words of encouragement and advice have been appreciated.

When the campaign has fairly opened the members of the Second Ward Republican Club will be uniformed, and as they have been drilling for some time past, they will be seen as well as heard in the parades next fall.

The Second Ward Club is ably officered as follows: President, William E. Eastman; Vice-President, Henry Schwartz; Secretary, William F. Walker; Treasurer, John P. Bleeker.

From present indications the Democratic party in Bloomfield will be better organized this year than it has been since 1876, when Samuel J. Tilden, was the standard-bearer of the party, and at which time his supporters in Bloomfield boasted of an organization which was second to none in the State.

I believe the foregoing opinion covers all the questions recited in the resolution.

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izations, and will be uniformed to take part in the parades in the fall.

Democrats assert that the November election will show that a great many converts have been made in Bloomfield to the cause of tariff reform, while Republicans claim that on the contrary a number of Democrats are now believers in a protective tariff.

WHEELMEN RIDE TO PHILADELPHIA.

Joseph Lee, William Irwin, William Smith, and Charles Hill of the Watsessing Wheelmen's Association left the clubhouse on Meadow Street at 4:40 o'clock last Sunday morning to make the run to Philadelphia and back on their wheels. Lee and Irwin accomplished the feat. Smith and Hill made the run to the Quaker City, but did not feel able to attempt the return trip.

The party reached Philadelphia about 4 o'clock Sunday evening. They were delayed on the road by the illness of Smith, who suffered an attack of cramps. They had to ride against a strong wind, and unfortunately missed the direct road and got on a rough country road. Lee and Irwin started on the return trip at 7 o'clock Monday morning and reached home at seven in the evening. Their average speed, deducting time lost for dinner, was about ten miles an hour, which is very good for non-professional riders on their first long-distance trip. The next long run for the club will be to Lake Hopatcong on Sunday, June 12.

Pious-minded people in Watsessing are shocked at the alleged deplorable desecration of the Sabbath by the wheelmen

in invariably selecting Sunday for their trials of endurance. The wheelmen justify their action by asserting that there is no difference between recreating on the wheel and in driving out with a horse and carriage.

The wheelmen apparently overlook the fact that the law prescribes a degree of solemnity to the pace at which a horse shall be driven on Sunday, and to speed the animal to its utmost is a violation of the statute. The same principle probably applies to the animal on the wheel. The good people of Watsessing on their way to the Methodist Church suffer a constant irritation of their moral sensibilities by the sight of uniformed wheelmen straining their energies to the utmost as they go scurrying along at a frightful velocity. To the sight is as glaringly wicked as would be that of Snapper Garrison in his jockey costume speeding past at a Brooklyn handicap pace astride Judge Morrow.

The wheelmen anticipate that the entries in the Lake Hopatcong run on Sunday, June 12, will be more numerous than last Sunday's run.

JOHN G. ZABRISKIE'S RESIDENCE BURBED.

John G. Zabriskie's residence on Washington Avenue was burglarized on Thursday night, and a quantity of silverware and clothing stolen. Just how the thieves got into the house is a mystery.

The netting on one of the sashes in the bay window on the front of the house was found propped open with a small wood chisel, but there were no tracks on the outside to show that they had entered through that window. A window in the dining-room was also open, but whether the thieves did it or not is uncertain.

Mr. Zabriskie is of the opinion that the thieves were frightened off about three o'clock in the morning, as one of the children cried just about that time and awakened the family. This opinion is based on the fact that the burglars left it or not is uncertain. Mr. Zabriskie is of the opinion that the thieves were frightened off about three o'clock in the morning, as one of the children cried just about that time and awakened the family. This opinion is based on the fact that the burglars left it or not is uncertain.

The servants say that they heard a strange noise about the house some time about midnight. A stranger was seen about the grounds during the day time.

JUSTICE POST VISITED THE HOUSE.

Justice Post visited the house early yesterday morning and made a thorough investigation and will put the police to work on the case. The Justice thinks that the job was done by some one

united front.

MR. RUDD WILL SHORTLY AFTER THE CHICAGO CONVENTION ANNOUNCE THE NAMES OF THE TOWNSHIP EXECUTIVE COMMITTEE.

Mr. Rudd will shortly after the Chicago Convention announce the names of the Township Executive Committee, which will consist of twelve, and will be composed of representative Democrats.

Mr. Rudd has been making himself thoroughly acquainted with the various causes of dissension in the party, and will use every means to allay all feeling, so that when the hot times of the fall campaign shall arrive the Democrats of Bloomfield will present a united front.

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RESCUED FROM THE CANAL.

Rowland Barnes of Washington Avenue escaped drowning in the Morris Canal last week while bathing at Gilbert & Taylor's coal dock. He ventured beyond his depth, and as he could not swim, shouted for help. He was rescued by two companions.

Men's russet Oxford ties at Shoenthal's.

That's—Advt.

HONORING THE DEAD.

HOW MEMORIAL DAY WAS OBSERVED IN BLOOMFIELD.

A very creditable parade—The streets crowded with spectators—Exercises at the cemetery.

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